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Plaintiff Sergey Grishin

THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

Sergey Grishin, an
individual,

Plaintiff,

v.

Jennifer Sulkess, an
individual, and **Does 1–10**,

Defendants.

Case No. 2:18-cv-10179

Complaint for:

- 1. Copyright Infringement;**
- 2. Defamation *Per Se*;**
- 3. Defamation *Per Quod*;**
- 4. Public Disclosure of Private Facts;**
- 5. Injunction**

Jury Trial Demand

1 Plaintiff Sergey Grishin (“Grishin”) asserts the following claims against
2 Defendant Jennifer Sulkess (“Sulkess”) and Does 1–10 and alleges as fol-
3 lows:

4 **I. SUBJECT MATTER JURISDICTION**

5 1. This Court has subject matter jurisdiction under 28 U.S.C. § 1331
6 (federal question), 28 U.S.C. § 1332 (complete diversity), and 28 U.S.C. §
7 1367 (supplemental jurisdiction).

8 **II. VENUE**

9 2. Venue is proper in this District under each of the following grounds:

10 A. 28 U.S.C. § 1391(b)(2) (federal question jurisdiction), because a
11 substantial part of the events or omissions giving rise to the claims occurred
12 in this District;

13 B. 28 U.S.C. § 1400(a) (copyright jurisdiction), because a
14 defendant or her agent resides or may be found in this District; and

15 C. 28 U.S.C. § 1391(b)(1) and § 1391(c) (personal jurisdiction),
16 because all defendants are subject to personal jurisdiction in this State and
17 at least one is in this District.

18 **III. THE PARTIES & PERSONAL JURISDICTION**

19 3. Grishin is an individual and a citizen of Russia.

20 4. Sulkess is an individual and a citizen of the United States of Amer-
21 ica. At all relevant times, Sulkess is and was domiciled in the county of Los
22 Angeles, California.

23 5. The true names and identities of the defendants herein sued as
24 Does 1 through 10, inclusive, are unknown to Grishin. He therefore sues
25 those defendants by such fictitious names. When the true names of those
26 defendants have been ascertained, Grishin will amend this complaint ac-
27 cordingly. Each of the defendants aided and abetted and is responsible in
28 some manner for the occurrences herein alleged, and Grishin’s injuries were

proximately caused thereby. Defendant Sulkess and Does 1 through 10, inclusive, shall collectively be referred to herein as “Defendants.”

IV. STATEMENT OF FACTS

6. This action arises from Defendant Sulkess’ misuse of copyrighted videos created by Grishin (the “Copyrighted Works”).

7. Grishin has filed applications for the registration of certain Copyrighted Works are currently pending with the United States Copyright Office. Certain applications have been granted, but a registration number has not yet been assigned.

8. Sulkess obtained the Copyrighted Works. Grishin did not authorize Sulkess to publish, copy, or use the Copyrighted Works in any manner.

9. After obtaining the Copyrighted Works, Sulkess published the Copyrighted Works on social media. Sulkess also published derivative works that Sulkess created using the Copyrighted Works (the “Derivative Works”).

10. Sulkess’ publications in paragraph 9 were without the permission of Grishin.

11. In November 2018, Sulkess repeatedly published the Copyrighted Works on the Internet.

12. For example, on November 19, 2018, Sulkess published the Copyrighted Works on her public Facebook page. With the publication, Sulkess added the following statement: “My friend and business partner, Anna Fedoseeva and I have been stalked, harassed, threatened and terrorized by her soon to be ex husband, Sergey Grishin. . . . I need everyone to see the kind of man this person is. He has tried to destroy both mine and her lives and we need help. . . . Anna went back to Moscow . . . and Sergey had her arrested” (the “Defamatory Statement”). The Defamatory Statement has been further published by at least one other person.

1 13. The Defamatory Statement is untrue and falsely accuses Grishin of
 2 a crime. The Defamatory Statement constitutes libel pursuant to Cal. Civ.
 3 Code §45. Because the Defamatory Statement accuses Grishin of a crime,
 4 the statement constitutes defamation *per se* which has caused harm to
 5 Grishin's reputation. Cal. Civ. Code § 45a. It is also defamatory because it
 6 implies that Grishin had Fedoseeva arrested, as opposed to what actually
 7 happened: the government arrested Fedoseeva because she committed sev-
 8 eral crimes.

9 14. In addition, Sulkess has published on her public Facebook page, a
 10 letter written by Grishin. That letter contains personal information includ-
 11 ing Grishin's addresses, telephone numbers and his passport number. Alt-
 12 hough Sulkess attempted to redact this private information, the redaction
 13 was insufficient. The information is still viewable. The Defamatory State-
 14 ment coupled with Grishin's personal contact information poses a serious
 15 danger to Grishin's safety.

16 **V. CLAIMS FOR RELIEF**

17 **FIRST CLAIM FOR RELIEF** 18 **(For Copyright Infringement Against All Defendants)**

19 15. Grishin repeats and realleges the allegations set forth in paragraphs
 20 1 through 14, inclusive, as though fully set forth herein.

21 16. Grishin is and at all relevant times has been the sole owner of the
 22 Copyrighted Works.

23 17. Grishin has filed applications with the United States Copyright Of-
 24 fice for the registration of certain Copyrighted Works. Certain applications
 25 have been granted, but a registration number has not yet been assigned.

26 18. Grishin is the undisputed creator of the Copyrighted Works.

27 19. In November 2018, Sulkess repeatedly published the Copyrighted
 28 Works on the Internet.

1 20. Sulkess did not have Grishin's permission for these publications.

2 21. In addition, Sulkess, without the permission of Grishin, created the
3 Derivative Works. Sulkess has published the Derivative Works on the In-
4 ternet.

5 22. Sulkess did not seek Grishin's permission to publish the Copy-
6 righted Works or the Derivative Works prior to doing so or at any time there-
7 after. Nor has Grishin provided his permission.

8 23. Grishin is entitled to permanent injunctive relief preventing
9 Sulkess, and her officers, agents, and employees, and all related persons
10 from further using the Copyrighted Works, Derivative Works, or engaging
11 in other acts in violation of copyright law.

12 24. Grishin is entitled to damages according to proof at the time of
13 trial.

14 25. In doing the acts herein alleged, Sulkess acted fraudulently, will-
15 fully, and with malice, and Grishin is therefore entitled to punitive damages
16 according to proof at the time of trial.

17 **SECOND CLAIM FOR RELIEF**
18 **(For Defamation *Per Se* Against All Defendants)**

19 26. Grishin repeats and realleges the allegations set forth in paragraphs
20 1 through 14, inclusive, as though fully set forth herein.

21 27. Sulkess made the Defamatory Statement which was published on
22 her public Facebook page and disseminated to individuals other than
23 Grishin.

24 28. The Defamatory Statement constitutes libel *per se* under California
25 Civil Code §§ 45 and 45a, as it accuses Grishin of a crime.

26 29. The Defamatory Statement is false, not privileged, and has a natu-
27 ral tendency to cause damage.

1 30. The individuals who reviewed the Defamatory Statement reasona-
2 bly understood the statement to be about Grishin.

3 31. Sulkess failed to use reasonable care to determine the truth or fal-
4 sity of the Defamatory Statement.

5 32. Grishin has been damaged as a result of Sulkess' defamation and
6 is entitled to recover damages.

7 33. Even if Grishin is unable to prove actual damages, Grishin is enti-
8 tled to reasonable damages for this assumed harm.

9 34. In doing the acts herein alleged, Sulkess acted fraudulently, will-
10 fully, and with malice, and Grishin is therefore entitled to punitive damages
11 according to proof at the time of trial.

12 35. Grishin is further entitled to preliminary and permanent injunctive
13 relief requiring Sulkess to remove the Defamatory Statement from her Fa-
14 cebook page and further prohibiting her from posting additional defamatory
15 statements regarding Grishin.

16 **SECOND CLAIM FOR RELIEF**
17 **(For Defamation *Per Quod* Against All Defendants)**

18 36. Grishin repeats and reallges the allegations set forth in paragraphs
19 1 through 14 and 27–35, inclusive, as though fully set forth herein.

20 37. Sulkess made the Defamatory Statement which was published on
21 her public Facebook page and disseminated to individuals other than
22 Grishin.

23 38. People reasonably understand that the Defamatory Statement re-
24 gards Grishin.

25 39. The Defamatory Statement is false, not privileged, and has a natu-
26 ral tendency to cause damage. The Defamatory Statement was false because
27 it implies that Grishin had Fedoseeva arrested, as opposed to what actually
28

1 happened: the government arrested Fedoseeva because she committed sev-
2 eral crimes.

3 40. The Defamatory Statement exposed Grishin to hatred, contempt,
4 or ridicule. The Defamatory Statement has prompted news articles that por-
5 tray Grishin in a negative and false light. This caused harm to Grishin, and
6 the Defamatory Statement was a substantial factor in causing that harm.

7 41. Sulkess failed to use reasonable care to determine the truth or fal-
8 sity of the statement.

9 **FOURTH CLAIM FOR RELIEF**
10 **(For Public Disclosure of Private Facts Against All Defendants)**

11 42. Grishin repeats and realleges the allegations set forth in para-
12 graphs 1 through 14, inclusive, as though fully set forth herein.

13 43. Article 1, Section 1 of the California Constitution guarantees every
14 person a right to privacy. This right prohibits a person from publicly disclos-
15 ing the private information of another person.

16 44. As set forth herein, Sulkess has publicly disclosed certain of
17 Grishin's private information, including, but not limited to, his addresses
18 and his passport number.

19 45. Sulkess' disclosure is offensive and objectionable to a reasonable
20 person, particularly in light of Sulkess' Defamatory Statement regarding
21 Grishin.

22 46. There was no legitimate public concern that justifies the public dis-
23 closure of Grishin's private contact information on Sulkess' public Facebook
24 page.

25 47. As a result of Sulkess' disclosure, Grishin has been damaged ac-
26 cording to proof to be determined at the time of trial.

48. Grishin is also entitled to an injunction requiring Sulkess to remove Grishin's private information from her Facebook page and prohibiting her from posting such information in the future.

FIFTH CLAIM FOR RELIEF
(For a Temporary Restraining Order, Preliminary Injunction, and Permanent Injunction Against All Defendants)

49. Grishin repeats and realleges the allegations set forth in paragraphs 1 through 14, inclusive, as though fully set forth herein.

50. As set forth herein Sulkess has published, without Grishin's permission, (1) Grishin's Copyrighted Works, (2) the Derivative Works, (3) a statement regarding Grishin that constitutes defamation *per se* and *per quod*, and (4) Grishin's private contact information (collectively, the "Unauthorized Publications").

51. Grishin seeks a temporary restraining order, preliminary injunction, and permanent injunction (1) requiring Sulkess to remove the Unauthorized Publications and (2) preventing Sulkess from posting any additional Copyrighted Works, personal contact information or defamatory statements regarding Grishin.

PRAYER FOR RELIEF

As to the First Claim for Relief:

1. For an order restraining Sulkess from using, selling, posting, or displaying the Copyrighted Works or any derivative works;
2. For an award of actual and/or statutory damages according to proof;
3. For punitive and/or exemplary damages;
4. For attorney's fees and costs;

As to the Second Claim for Relief:

5. For an order requiring Sulkess to remove the Defamatory

1 Statement from her Facebook page and prohibiting her from posting defam-
2 atory statements regarding Grishin in the future;

3 6. For an award of damages according to proof;

4 7. For punitive and/or exemplary damages;

5 **As to the Third Claim for Relief:**

6 8. For an order requiring Sulkess to remove the Defamatory State-
7 ment from her Facebook page and prohibiting her from posting defamatory
8 statements regarding Grishin in the future;

9 9. For an award of damages according to proof;

10 10. For punitive and/or exemplary damages;

11 **As to the Fourth Claim for Relief:**

12 11. For an award of damages according to proof;

13 12. For punitive and/or exemplary damages;

14 13. An order requiring Sulkess to remove Grishin's private infor-
15 mation from her Facebook page;

16 **As to the Fifth Claim for Relief:**

17 14. For a temporary restraining order, preliminary injunction, and
18 permanent prohibiting Sulkess from (i) posting the Copyrighted Works and
19 any derivative works; (ii) posting defamatory statements about Grishin, and
20 (iii) publishing Grishin's private information;

21 **As to All Causes of Action:**

22 12. For costs of suit; and

23 13. For such other and further relief as the Court may deem proper.

1 Dated: December 7, 2018

**Pierce Bainbridge Beck Price &
Hecht LLP**

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5 Amman Khan


6 *Counsel for Plaintiff*
7 *Sergey Grishin*

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2 **DEMAND FOR JURY TRIAL**

3
4 Plaintiff Sergey Grishin, hereby demands a trial by jury on all issues
5 to which he is entitled a jury.

6 Dated: December 7, 2018

7 **Pierce Bainbridge Beck Price &**
8 **Hecht LLP**

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10 _____
11 Amman Khan

12 *Counsel for Plaintiff*
13 *Sergey Grishin*